

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1647

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-12-70-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "eligible student" means a student who meets the following requirements:

- (1) Is a resident of Indiana.
- (2) Is enrolled in:
 - (A) grade 7 or 8, for the 2007-2008 school year; and
 - (B) grade 6, 7, or 8, for the 2008-2009 school year and for subsequent school years;at a public or an accredited nonpublic school.
- (3) Is eligible for free or reduced priced lunches under the national school lunch program.
- (4) Agrees in writing, together with the student's custodial parents or guardian, that the student will:
 - (A) graduate from a secondary school located in Indiana that meets the admission criteria of an institution of higher learning;
 - (B) not illegally use controlled substances (as defined in IC 35-48-1-9);
 - (C) not commit a crime or infraction described in IC 9-30-5;
 - (D) not commit any other crime or delinquent act (as described

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in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) when the eligible student is a senior in high school, timely apply:

- (i) to an institution of higher learning for admission; and
- (ii) for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

SECTION 2. IC 20-20-6-1, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The department may grant a state of Indiana general educational development (GED) diploma to an individual who:

(1) is:

(A) at least ~~seventeen (17)~~ eighteen (18) years of age; or
(~~2~~) is (B) at least seventeen (17) years of age and not subject to compulsory school attendance because the individual has withdrawn from school under IC 20-33-2-28.5; and

(~~3~~) (2) achieves satisfactory high school level scores on the general educational development (GED) test or any other properly validated tests of comparable difficulty designated by the board.

SECTION 3. IC 20-26-13-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "cohort" refers to a class of students who:

(1) attend the same high school; and

(2) are **expected to graduate from high school in the first considered to have entered grade 9 in the same graduation year.**

SECTION 4. IC 20-26-13-10, AS AMENDED BY P.L.145-2006, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Except as provided in section 11 of this chapter, the **four (4) year** graduation rate for a cohort in a high school is the percentage determined under STEP ~~SEVEN FIVE~~ of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

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- (A) the number determined under STEP ONE; and
- (B) the number of students who:
 - (i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and
 - (ii) have the same expected graduation year as the cohort.

~~STEP THREE: Add:~~

- ~~(A) the sum determined under STEP TWO; and~~
- ~~(B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined.~~

~~STEP FOUR: Add:~~

- ~~(A) the sum determined under STEP THREE; and~~
- ~~(B) the number of students who:~~
 - ~~(i) began the reporting year in a cohort that expects to graduate during a future reporting year; and~~
 - ~~(ii) graduate during the current reporting year.~~

~~STEP FIVE: THREE:~~ Subtract from the sum determined under ~~STEP FOUR TWO~~ the number of students who have left the cohort for any of the following reasons:

- (A) Transfer to another public or nonpublic school.
- (B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.
- (C) Withdrawal because of a long term medical condition or death.
- (D) Detention by a law enforcement agency or the department of correction.
- (E) Placement by a court order or the department of child services.
- (F) Enrollment in a virtual school.
- ~~(G)~~ Graduation before the beginning of the reporting year.
- ~~(H)~~ **(G)** Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.
- ~~(I)~~ **(H)** Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children.
- ~~(J)~~ **(I)** Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

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STEP ~~SIX~~: FOUR: Determine the total number of students who have graduated during the current reporting year.

STEP ~~SEVEN~~: FIVE: Divide:

(A) the number determined under **STEP ~~SIX~~: FOUR;** by

(B) the remainder determined under **STEP ~~FIVE~~: THREE.**

SECTION 5. IC 20-26-13-10.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.2. In the reporting year immediately following the determination of a cohort's four (4) year graduation rate under section 10 of this chapter, the department shall calculate a five (5) year graduation rate for the cohort using the following formula:**

STEP ONE: Determine the number determined under **STEP FOUR** of the formula established in section 10 of this chapter.

STEP TWO: Add:

(A) the number determined under **STEP ONE;** and

(B) the number of students in the cohort who have graduated during the current reporting year.

STEP THREE: Divide:

(A) the sum determined under **STEP TWO;** by

(B) the remainder determined under **STEP THREE** of the formula established in section 10 of this chapter.

SECTION 6. IC 20-26-13-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.5. In the reporting year immediately following the determination of a cohort's five (5) year graduation rate under section 10.2 of this chapter and each subsequent reporting year, the department shall calculate a six (6) or subsequent year graduation rate for the cohort using the following formula:**

STEP ONE: Determine the number determined under **STEP TWO** of the formula established in section 10.2 of this chapter.

STEP TWO: Add:

(A) the number determined under **STEP ONE;** and

(B) the number of students in the cohort who have graduated during the current reporting year.

STEP THREE: Divide:

(A) the sum determined under **STEP TWO;** by

(B) the remainder determined under **STEP THREE** of the formula established in section 10 of this chapter.

SECTION 7. IC 20-26-13-10.7 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.7. For purposes of determining a graduation rate under sections 10, 10.2, and 10.5 of this chapter, a student may be counted as graduating only during any one (1) reporting year.**

SECTION 8. IC 20-26-13-11, AS ADDED BY P.L.242-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) A student who has left school is not included in clauses (A) through ~~(J)~~ **(I)** of STEP ~~FIVE~~ **THREE** of the formula established in section 10 of this chapter unless the school corporation can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through ~~(J)~~ **(I)** of STEP ~~FIVE~~ **THREE** of section 10 of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent or guardian name, student testing number, and other pertinent data to the state attendance officer. The state attendance officer, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.

(b) If a school corporation cannot provide written proof that a student should be included in clauses (A) through ~~(J)~~ **(I)** of STEP ~~FIVE~~ **THREE** of section 10 of this chapter, the student is considered a dropout.

SECTION 9. IC 20-26-13-12, AS ADDED BY P.L.242-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. For each high school, the department shall calculate an estimated graduation rate that is determined by the total number of graduates for the reporting year divided by the total number of students enrolled in grade 9 at the school three (3) years before the reporting year. For any school where the difference between the estimated graduation rate and the number determined under STEP SEVEN of section 10 of this chapter is more than five percent (5%), the department shall request the data used in determining that the missing students are classified under one (1) or more of clauses (A) through ~~(J)~~ **(I)** of STEP ~~FIVE~~ **THREE** of section 10 of this chapter.

SECTION 10. IC 20-26-13-13, AS ADDED BY P.L.242-2005,

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SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. For any school that cannot provide written proof supporting the school's determination to include a student under any one (1) of clauses (A) through ~~(J)~~ **(I)** of STEP ~~FIVE~~ **THREE** of section 10 of this chapter, the department shall require the publication of the corrected graduation rate in the next school year's report required under IC 20-20-8-3.

SECTION 11. IC 20-26-13-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14. (a) Each reporting year, the department shall determine and report the following for each cohort:**

- (1) A four (4) year graduation rate determined under section 10 of this chapter.**
- (2) A five (5) year graduation rate determined under section 10.2 of this chapter.**
- (3) A six (6) and subsequent year graduation rate determined under section 10.5 of this chapter.**

(b) Except for the correction of calculation errors, a four (4) year and five (5) year graduation rate may not be altered after the rates are initially reported.

SECTION 12. IC 20-26-13-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15. (a) The provisions of sections 12 and 13 of this chapter must be completed before the release of the reports required under section 14 of this chapter. The department shall establish deadlines for each school to provide the information required under section 13 of this chapter.**

(b) Notwithstanding subsection (a), the department shall report the four (4) year graduation rates for each cohort not later than January 15 following the cohort's expected graduation rate.

SECTION 13. IC 20-26-13-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16. In addition to any other determination required under this chapter, the department shall determine and report a statewide graduation rate that is consistent with guidelines developed by the National Governors' Association. If the guidelines are unclear or allow flexibility in determination, the requirements of this chapter apply to the determination of a statewide graduation rate. However, cohort members who leave after less than one (1) year of attendance in an Indiana school and whose location cannot be determined may not be subtracted in the**

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calculation of a statewide graduation rate.

SECTION 14. IC 20-36-3-10, AS ADDED BY P.L.1-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The department shall prepare an annual report concerning the implementation of the program and shall submit the report to the board before December 1 of each year. The report must include the pertinent details of the program, including the following:

- (1) The number of students participating in the program.
- (2) The number of teachers attending a summer institute offered by the College Board.
- (3) Recent trends in the field of advanced placement.
- (4) The distribution of money under this program.

(5) Gender and minority participation.

~~(5)~~ **(6) Other pertinent matters.**

SECTION 15. IC 21-11-9-4, AS ADDED BY SEA 526-2007, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall adopt rules under IC 4-22-2 to implement IC 21-12-6, including:

- (1) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under IC 21-12-6-9; and
- (2) notwithstanding IC 21-12-6-5, rules that may include students who are in grades other than grade **6, 7, or 8** as eligible students.

SECTION 16. IC 21-12-6-5, AS AMENDED BY HEA 1266-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) To qualify to participate in the program, a student must meet the following requirements:

- (1) Be a resident of Indiana.
- (2) Be:
 - (A) enrolled in grade **7 or 8, for the 2007-2008 school year, and grade 6, 7, or 8, for the 2008-2009 school year and for subsequent school years**, at a:
 - (i) public school; or
 - (ii) nonpublic school that is accredited either by the state board of education or by a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2; or
 - (B) otherwise qualified under the rules of the commission that are adopted under IC 21-11-9-4 to include students who are in grades other than grade 8 as eligible students.
- (3) Be eligible for free or reduced priced lunches under the national school lunch program.

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(4) Agree, in writing, together with the student's custodial parents or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution;

(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or an infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) timely apply, when the eligible student is a senior in high school:

(i) for admission to an eligible institution; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an eligible institution; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

(b) The term includes a student who:

(1) before or during grade 7 or grade 8, is placed by or with the consent of the department of child services, by a court order, or by a child placing agency in:

(A) a foster family home;

(B) the home of a relative or other unlicensed caretaker;

(C) a child caring institution; or

(D) a group home;

(2) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11), to the conditions set forth in subsection (a)(4); and

(3) except as provided in subdivision (2), otherwise meets the requirements of subsection (a).

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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